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EXAMINER

SOBUTKA, PHILIP

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

Final  
RESPONSE DUE 2/18/03  
NOA 5/18/03

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NOV 21 2002

# Office Action Summary

Application No.

09/823,681

Applicant(s)

MOLNAR ET AL.

Examiner

Philip J. Sobutka

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

1. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al (US 5,297,203) in view of Newman et al (US 5,705,940).

Consider claims 1,3-7,9-15, Rose teaches a wireless communication device comprising: an interface between the baseband control logic IC and the RF operation portions (Rose see especially fig 10), the wireless device having a standby mode (Rose col 25, lines 4-20). Note that when a wireless telephone is awaiting a call it is in standby mode. Rose lacks a teaching of the interface including data latches and level shifters to convert the voltage between the control section and the operation portions. Newman teaches an IC interface including data latches and level shifters to convert voltage between control and operation sections (Newman see especially col 4, lines 4-32, col 8, lines 49-68, col 11, lines 16-35). Newman teaches that this arrangement allows lower power dissipation and for the circuitry to be fabricated on a common substrate (Newman col 3, line 55 – col 4, line 3). It would have been obvious to one of ordinary skill in the art to modify Rose to use the interface arrangement of Newman in order to provide lower power dissipation and for the circuitry to be fabricated on a common substrate.

As to claims 2,16,24, Rose in view of Newman lack a teaching of a second level shifter. It would have been obvious to one of ordinary skill in the art to provide a level shifter for each component to be controlled.

As to claim 8,17,25, note that Rose's component includes a synthesizer (Rose, see especially fig 11, item 147, col 22, lines 48-64).

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As to claims 18-23, the system of Rose in view of Newman would perform the claimed steps.

As to claims 26-33, Rose in view of Newman teaches everything claimed except for storing the method on a computer readable medium. Official Notice is taken that it is notoriously well known in the art to store methods on computer readable medium in order to allow for the methods to be easily updated and loaded on different systems. It would have been obvious to one of ordinary skill in the art to modify Rose in view of Newman to store the method on computer readable media in order to allow the method to be easily updated and loaded on different systems.

### **Response to Arguments**

2. Applicant's arguments filed 9-30-02 have been fully considered but they are not persuasive.

It is noted that the applicant has not attempted to define the claimed standby over the normal understanding of standby in mobile telephones, namely that the phone is simply awaiting a call. There is no indication that if the cited references were combined as suggested, why the local level shifters would not perform as claimed. Note that the instant claims are not limited to the standby state being a lower level power saving state.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation was found in the reference and recited in the above rejections.

### **Conclusion**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

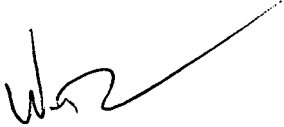
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs  
November 14, 2002



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
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